



PENNSYLVANIA STATE POLICE
DEPARTMENT HEADQUARTERS
1800 ELMERTON AVENUE
HARRISBURG, PENNSYLVANIA 17110

Mailing Date: January 22, 2019

Dave Maass
MuckRock News
DEPT MR 65975
411A Highland Ave
Somerville, Massachusetts 02144-2516

PSP/RTKL Request № 2018-1147

Dear Mr. Maass:

On December 31, 2018, the Pennsylvania State Police (PSP) received your request for information pursuant to Pennsylvania's Right-to-Know Law (RTKL), 65. P.S. §§ 67.101-67.3104, wherein you state:

Pursuant to the Pennsylvania Right to Know Act, I hereby request the following records:

Materials related to this agency's acquisition of, access to, preservation of, or disclosure of automated license plate readers (ALPR) or ALPR data:

1. Policies related to the adoption of ALPR technology, including those guiding the procurement process or necessary administrative obligations before acquisition.
2. Training policies, requirements, and materials for automatic license plate reader system operators.
3. Databases used to compare data obtained by the automatic license plate reader system.
4. Policies related to the retention and security of captured ALPR data, including those regarding:
 - the length of time after capture that data may be preserved
 - exceptions to general data preservation policies
 - internal data security and access
 - data destruction

5. Policies related to the sharing of captured ALPR data by this agency with other agencies, including those directing:
 - the manner in which another agency may request data
 - the circumstances under which captured data may be shared, and
 - the responsibilities of the recipient agency in regards to data retention and use.
 - access by this agency to data obtained by automatic license plate reader systems not operated by the law enforcement agency.

Please also provide the number of requests made by outside agencies, if applicable.

6. Policies related to the sale of data or the sharing of data with non-law enforcement actors.
 - If applicable, please provide all agreements between this agency and non-law enforcement actors.
7. Policies regarding oversight of automatic license plate reader system use.
8. Audit Reports
9. Policies related to maintenance and calibration

Please also provide maintenance and calibration schedules and records for the system on file.

10. Any other policies or reports on subjects related to automatic license plate reader system use by the agency.

A copy of your request is enclosed. By letter dated December 20, 2018, you were notified in accordance with RTKL section 67.902(b) that PSP required an additional thirty days to prepare this final response to your request.

PSP determined it does not have any records in its possession, custody, or control that respond to your request. A supporting verification confirming this assertion accompanies this final response letter. Pursuant to the decision in *Jenkins vs. Pennsylvania Department of State*, "It is not a denial of access when an agency does not possess records and [there is no] legal obligation to obtain them (see, e.g. section 67.506 (d)(1).)" *Jenkins vs. Pa. Dep't of State*, Docket No. AP 2009-065 (available at, <http://openrecords.pa.gov.>).). After contacting the PSP Bureau of Criminal Investigation, it was confirmed there are no policies, reports or databases responsive to your specific requests.

To the extent that your request seeks or may be construed to seek records pertaining to covert law enforcement investigations, including, intelligence gathering and analysis, the PSP can neither confirm nor deny the existence of such records without risk of compromising investigations and imperiling individuals. Under No Circumstances, therefore, should this final response be interpreted as indicating otherwise. In all events, should such records exist, they are entirely exempt from public disclosure under the RTKL and Criminal History Record Information Act, 18 Pa. C.S. §§ 9101-9183.

In closing, you have a right to appeal this response in writing to the Office of Open Records, 333 Market Street, 16th Floor, Harrisburg, PA 17126-0333. The appropriate OOR appeal form is available for your use at, <https://www.dced.state.pa.us/public/oor/appealformgeneral.pdf>. If you choose to appeal, you must do so within 15 business days of the mailing date of this response, and send to the OOR: 1) this response; 2) your request; 3) the reason or reasons why you think PSP wrongfully denied your access to the requested records. (*a statement identifying any flaws in the reasons provided above as to why a requester is not subject to access the requested records under the RTKL*).

If you have any questions, please feel free to contact our office at the telephone number listed below.

Respectfully,



Rachel Zeltmann
Deputy Agency Open Records Officer
Pennsylvania State Police
Bureau of Records & Identification
Right-to-Know Law/Subpoena Section
1800 Elmerton Avenue
Harrisburg, Pennsylvania 17110
Email: RA-psprighttoknow@pa.gov
1.877.785.7771 (Main); 717.525.5795 (Fax)

Enclosures: PSP/ RTKL Request № 2018-1147
Zeltmann Verification

PENNSYLVANIA STATE POLICE
DEPARTMENT HEADQUARTERS

VERIFICATION OF
RACHEL ZELTMANN
DEPUTY AGENCY OPEN RECORDS OFFICER

I, Rachel Zeltmann, Deputy Agency Open Records Officer of the Pennsylvania State Police (PSP or Department), am authorized to prepare this verification on the Department's behalf in response to PSP/RTKL Request № 2018-1147. Accordingly, on this 22nd day of January, 2019, I verify the following facts to be true and correct, to the best of my knowledge or information and belief:

1. I am familiar with PSP/RTKL Request № 2018-1147, which accompanies this verification.
2. Utilizing the information contained in the request, I searched all Department databases to which I have access for evidence of any PSP records that may respond to the request.
3. Finding neither records nor any evidence that suggests PSP is in possession of the requested records, I have determined the PSP does not have any records responsive to this RTKL request in its possession, custody, or control.
4. The requestor was advised that after contacting the PSP Bureau of Criminal Investigation, it was confirmed there are no policies, reports or databases responsive to his specific requests.

I understand that false statements made in this verification are subject to penalties of 18 Pa. C. S. §4904, relating to unsworn falsification to authorities.

Rachel Zeltmann

Rachel Zeltmann
Deputy Agency Open Records Officer
Pennsylvania State Police

2018-1147
12-20-18

Grant, Kimberly A

From: 65975-18045774@requests.muckrock.com
Sent: Thursday, December 13, 2018 3:31 PM
To: SP, PSP RIGHT TO KNOW
Subject: [External] Pennsylvania Right to Know Act Request: Automated License Plate Reader (ALPR) - Adoption, Use, and Data Retention Policies (Pennsylvania State Police)
Attachments: PA_Right_to_Know_Request_Form_VYSawM6.pdf

ATTENTION: This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to CWOPA_SPAM@pa.gov.

Pennsylvania State Police
RTK Office
1800 Elmerton Avenue
Harrisburg, PA 17110

December 13, 2018

To Whom It May Concern:

Pursuant to the Pennsylvania Right to Know Act, I hereby request the following records:

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- the responsibilities of the recipient agency in regards to data retention and use.
- access by this agency to data obtained by automatic license plate reader systems not operated by the law enforcement agency.

Please also provide the number of requests made by outside agencies, if applicable.

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RIGHT TO KNOW LAW OFFICE
SUBMISSION UNIT
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6. Policies related to the sale of data or the sharing of data with non-law enforcement actors.
- If applicable, please provide all agreements between this agency and non-law enforcement actors.

7. Policies regarding oversight of automatic license plate reader system use.

8. Audit Reports

9. Policies related to maintenance and calibration.

Please also provide maintenance and calibration schedules and records for the system on file.

10. Any other policies or reports on subjects related to automatic license plate reader system use by the agency.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

Sincerely,

Dave Maass

Filed via MuckRock.com

E-mail (Preferred): 65975-18045774@requests.muckrock.com

Upload documents directly: https://www.muckrock.com/accounts/agency_login/pennsylvania-state-police-435/automated-license-plate-reader-alpr-adoption-use-and-data-retention-policies-pennsylvania-state-police-65975/?email=RA-psprighttoknow%40pa.gov&uuid-login=Odd518ae-517a-41cc-941b-6145a967547e#agency-reply
Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News
DEPT MR 65975
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.



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SUBPOENA UNIT

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